

REMARKS

Claims 1, 2, 4-14, 16 and 17 are now pending in the application. Claims 1, 2, 4-14, 16 and 17 stand rejected. Claims 3 and 15 have been cancelled; Claims 1 and 12 have been amended. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM AMENDMENTS

The claims are presently amended to further clarify the presently pending claims for consideration and to correct minor informalities. Applicant submits that the present amendments to the claims clarify the various elements of the claims previously presented and are in line with the Applicant's previous arguments and amendments. In particular, independent Claims 1 and 12 have been amended to further clarify and specify that no overlapping occurs between the first latching finger and the second latching finger. In addition, Claim 12 has been amended to improve readability and to provide antecedent basis for "portions." Thus, the amendments to the claims do not raise new issues that would require further consideration or issues of new matter.

REJECTION UNDER 35 U.S.C. § 112

Claims 12-14 and 16-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claim 12 to provide antecedent basis for "portions" in Claim 12. Applicant submits no new

matter was added via this Amendment. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw this rejection.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 2, 4, 6-8, and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyoshi (Japan Pat. No. 317,946, hereinafter "Tomoyoshi") in view of Wilmes (U.S. Pat. No. 4,253,629, hereinafter "Wilmes"). This rejection is respectfully traversed.

Initially, Applicant notes that Tomoyoshi discloses a clip having a surface 7 and retaining fingers 8 coupled to the surface 7 via a projection of the surface 7. Each projection has a first side and a second side. A retaining finger 8 extends from each side of the projection (see at least Figure (A)). The retaining fingers 8 are formed on the projections such that the retaining finger 8 that extends from the first side of the projection **overlaps** with the retaining finger 8 that extends from the second side of the projection. Wilmes discloses a guiding and marking member for electrical cables that includes two pairs of V-shaped wings 3 formed with tips 4a, 4b for retaining cables 10. In contrast, independent Claim 1 has been amended to recite:

. . .at least one first latching finger at the front side and at least one second latching finger at the rear side of the partition, characterized in that the width of each latching finger is smaller than the width of the partition and the first latching finger is arranged **offset** relative to the second latching finger in such a way that **no overlapping occurs between the first latching finger and the second latching finger**, wherein an elbow is disposed between the first and second latching fingers and the partitions so the partitions are displaced relative to each other (emphasis added).

In view of the above discussion, Applicant respectfully asserts that none of the cited references, either alone or in combination, teach, suggest or disclose each and

every element of Claims 1 and 12. In this regard, the Office states that Tomoyoshi discloses that “the first latching finger is offset relative to the second latching finger (figure 1)” (Office Action mailed August 30, 2006, p. 3). Applicant respectfully asserts, however, that Tomoyoshi fails to teach, suggest or disclose that “the first latching finger is arranged offset relative to the second latching finger in such a way that **no overlapping occurs** between the first latching finger and the second latching finger” as claimed. Rather, with reference to Figure (B) of Tomoyoshi, the retaining fingers (8) are arranged such that **overlapping occurs** between the first retaining figure 8 and the second retaining finger 8. Wilmes does not remedy this shortcoming of Tomoyoshi as Wilmes fails to teach, suggest or disclose offset latching fingers. Furthermore, Applicant notes that modifying Tomoyoshi to include such an offset would impermissibly modify the principle of operation of the clip of Tomoyoshi and is improper.

Accordingly, in view of the above, Applicant respectfully asserts that the Office has not presented a *prima facie* case of obviousness as the cited references do not teach, suggest or disclose each and every feature of Claim 1, and as such, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 1 under 35 U.S.C. § 103(a). Further, as Claims 2, 4, 6-8, 10 and 11 depend directly from independent Claim 1, Claims 2, 4, 6-8, 10 and 11 should be in condition for allowance for at least the reasons set forth for Claim 1 above. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejections of Claims 2, 4, 6-8, 10 and 11 under 35 U.S.C. § 103(a).

Claims 5 and 9 are rejected as being unpatentable over Tomoyoshi in view of Wilmes and in further view of Kraus (U.S. Pat. No. 5,947,426, hereinafter "Kraus"). This rejection is respectfully traversed.

With regard to Claims 5 and 9, as Claims 5 and 9 depend directly from independent Claim 1, Claims 5 and 9 should be in condition for allowance for at least the reasons set forth for Claim 1 above. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejections of Claims 5 and 9 under 35 U.S.C. § 103(a).

Claims 12, 14 and 16-17 are rejected as being unpatentable over Tomoyoshi in view of Sturies et al. (U.S. Pat. No. 5,954,300, hereinafter "Sturies"). This rejection is respectfully traversed.

Applicant respectfully refers the Examiner to the remarks regarding Claims 1, 2, 4, 6-8, 10 and 11 for a discussion of the Tomoyoshi reference. With regard to Sturies, Applicant notes that Sturies discloses a flexible holding member that includes holding areas 2, separated by vertical cross-pieces 7, 8 and 8' that each include a holding cross-piece 25. In contrast, independent Claim 12 has been amended to recite:

. . .the first pair of latching fingers are arranged **offset relative to the second pair of latching fingers in such a way that no overlapping occurs** between the first pair of latching fingers and the second pair of latching fingers, and wherein the first pair of latching fingers are arranged laterally offset relative to the second pair of latching fingers at a distance of 5 to 20% of the width of the partition and wherein both sides of the partition comprise two or more vertically offset latching fingers disposed respectively on each side, said partition being formed of a first offset portion and a second offset portion (emphasis added).

As discussed previously, Tomoyoshi does not teach, suggest or disclose whatsoever a retaining clip in which “the first latching finger is arranged offset relative to the second latching finger in such a way that **no overlapping occurs** between the first latching finger and the second latching finger” as claimed. Further, Sturies does not remedy this shortcoming of Tomoyoshi as Sturies fails to teach, suggest or disclose that the holding cross-pieces 25 are offset such that no overlapping occurs. In addition, as stated previously, modifying Tomoyoshi to include such an offset would impermissibly modify the principle of operation of the clip of Tomoyoshi and is improper.

Accordingly, in view of the above, Applicant respectfully asserts that the Office has not presented a *prima facie* case of obviousness as the cited references do not teach, suggest or disclose each and every feature of Claim 12, and as such, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 12 under 35 U.S.C. § 103(a). Further, as Claims 14, 16 and 17 depend directly from independent Claim 12, Claims 14, 16 and 17 should be in condition for allowance for at least the reasons set forth for Claim 12 above. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejections of Claims 14, 16 and 17 under 35 U.S.C. § 103(a).

Claim 13 is rejected as being unpatentable over Tomoyoshi in view of Sturies et al. and in further view of Wilmes. This rejection is respectfully traversed.

Regarding Claim 13, as Claim 13 depends directly from independent Claim 12, Claim 13 should be in condition for allowance for at least the reasons set forth for Claim 12 above. In addition, Applicant respectfully asserts that Claim 13 includes


independently allowable subject matter as none of the cited references teach, suggest or disclose that each partition is elbowed between the offset latching fingers. Rather, as shown in Figure (B) of Tomoyoshi, the partition surface is uniform and not elbowed between the retaining fingers 8. Neither Wilmes nor Sturies remedies this shortcoming of Tomoyoshi, and accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection of Claim 13 under 35 U.S.C. § 103(a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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